

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 12, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No.06018

**PROPOSAL:** Amend section 27.03 Definitions, 27.07 AG District and 27.63 Special Permits, in the Lincoln Municipal Code to add "Tree Service" as a Special Permitted Use..

**CONCLUSION:** As proposed, this amendment is a big step in allowing additional commercial business operations outside the City, in the rural areas. We do not find this in conformance with the intent of the comprehensive plan.

<b>RECOMMENDATION:</b>	Denial
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### **ANALYSIS:**

1. This is a request to add new language to Section 27.03-definitions, 27.07 AG District and 27.63 Special Permits, of the Lincoln Municipal Code to allow "Tree Services" as a special permitted use.
2. The text change would define "Tree Services" and allow them as a special permit in the AG district.
3. The Comprehensive Plan notes the following language which may be relevant (underline added for emphasis).

### **ECONOMIC OPPORTUNITY**

Existing businesses flourish and there are opportunities for new businesses within Lincoln and the incorporated communities.

The Plan provides new employment locations and supports retention of existing businesses. Residential, commercial, and industrial development take place in the City of Lincoln and within incorporated towns. This ensures that there are convenient jobs and a healthy tax base within the communities to support the public safety, infrastructure and services within the community. While location in the cities and towns of the county is a priority, unique site requirements of a business may necessitate consideration of other suitable and appropriate locations in the county.

The community has adapted and thrived in an ever changing world economy. A strong information technology infrastructure exists to support business growth and the community's information demands. New technologies have led to new modes of living and working. A skilled workforce continues to adapt to economic and cultural changes. Pg F 16

**Agricultural:** Land principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Pg F 22

## **G**ENERAL PRINCIPLES FOR ALL COMMERCIAL & INDUSTRIAL USES

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

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4. In reviewing this application, staff found no substantive difference between this operation and that of a typical contractors yard/operation. Although trees are organic material, the contractors tree removal, trimming and land clearing operations are primarily in Lincoln. Thus no special treatment is warranted to provide new locations in the AG district outside of the Cities and towns of the county.
5. There is land available in the incorporated and unincorporated areas that is currently zoned to accommodate this type of use (This would typically require Industrial zoning).
6. Agricultural operations can have similar impacts on acreage owners as construction contractor operations. But farming in rural areas is given special protection and recognition by state and local laws and policies, and homeowner moving onto acreage lots in rural areas should expect those impacts. Recent feuds over motorcycle racing in rural areas suggests that acreage owners would be very sensitive to the introduction of contractor type businesses. These owners, as well as farmers with expectations of selling some or all their land for acreage lots someday, deserve better notice and an opportunity to participate in public land use policy discussions as part of the Comprehensive Plan update process.
7. If this proposed text change could be amended to apply only where a prior commercial/industrial use special permit has existed, staff would support the amendment, as it would continue an existing land use activity and not be a new shift to the non-urban area.

8. Following is the proposed text, as provided by the applicant:

**TEXT AMENDMENTS TO  
LINCOLN MUNICIPAL CODE**

Amend Section 27.07.040 of the LMC to add a new subparagraph to read as follows:

(z) Tree service.

Amend Chapter 27.03 of the LMC to add a new section to read as follows:

27.03.631 Tree Service.

Tree service shall mean a building or premises used primarily in support of a business engaged in tree and stump removal, tree and shrub trimming, stump grinding, pin oak injection, insect and disease control, tree nutrients, processing wood chips and firewood, land clearing, the premises may be used for the processing, and storage of tree related products and byproducts produced only by the business located on the premises and the parking of trucks, grinders and related equipment, but no retail sales of products shall be allowed on the premises.

Amend Chapter 27.63 of the LMC to add a new section to read as follows:

27.63.770 Permitted Special Use: Tree Service.

Tree service may be allowed by Special Permit in the AG zoning district under the following conditions:

- (a) Residential uses occupied by owner/caretaker shall be permitted.
- (b) Where a prior special permit has been approved on an undersized lot, the lot may be used for this special permit.
- ©) On a minimum lot area of twenty acres so long as such use complies with the height, setback and area regulations of the AG district.
- (d) The City Council may require screening or buffering from adjacent uses.

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